* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 89-214-A Alan Keith Hottinger, et al Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance to permit an existing open projection (porch) with a front yard setback of 17 feet, 6 inches, in lieu of the required 22 feet, 3 inches, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, Alan K. Hottinger and Harold N. Hottinger, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2108 Park Place, is zoned D.R. 5.5 and is currently improved with a single family dwelling which has been Petitioners' residence since 1982. In 1983, Alan Hottinger repaired the steps at the front of the house and built a porch. As a result of a complaint filed in August 1988 by the adjoining neighbor at 2114 Park Place, Petitioners discovered that the front porch was in $\mathfrak I$ violation of the setback requirements of the zoning regulations. In an attempt to correct the problem, Petitioners filed the instant Petition.

Petitioners argued that the granting of the requested variance would not result in any detriment to the health, safety or general welfare To support Petitioners' position, they introduced as Petitioner's Exhibit 2 several letters from residents of Park Place indicating they have no objection to the request or any disatisfaction with Petitioners' front porch. Petitioners testified the property owners of

#136

Zoning Description PEGINNING ON THE WEST SIDE OF PARK PL. 30"

Zoning Description BEGINNING ON THE WESTSIDE OF PARK PL. 30 FEET WIDE, AT THE DISTANCE OF 344 FEET NORTH OF THE CENTER LINE OF WINSDUR ROAD. BEING KOT 35, BLOCK JANTHESUBDIVISION OF WINDSOR DAVE.
PLAT BOCK WHM NO9. TOLIO 63. ALSO KNOWN AS
DICE PARK PLACE IN THE IST ELECTION DISTRICT

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

89-214-4

Date of Posting 1/2 1200 12 1398 14410401 Alm Kirth Hettinger of al Location of property: Notes Post Winne 1344 8 Windon Mill Reg (2104 Prop Min.) Location of Signer 3n hot of 2100 Philips There Date of return: Moreonly 19 1988

2114 Park Place recently moved away. Further testimony indicated Petitioners have spoken with their new neighbors, Mr. & Mrs. Russell Shipley, who have indicated while they would not ask Petitioners to remove the existing porch, they would like to see it stained. To support Petitioners' testimony, they introduced a letter indicating same from the Shipleys.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Office day of December, 1988 that the Petition for Zoning Variance to permit an existing open projection (porch) with a front yard setback of 17 feet, 6 inches, in lieu of the required 22 feet, 3 inches, in accordance with Petitioner's Exhibit 1, be and is hereby GRANT-ED from and after the date of this Order.

AMN:bjs

NOTICE OF HEARING

The Zoning Conveniesoner of Bellimore County, by sudinority of the Zoning Act and Regulations of Bellimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Cheeapeaks Avenue in Toward, Maryland as follows: Petition for Zoning Variance Case Humber: 89-214-A. NWS Park Place, 344 E Windsor Mill Road (2108 Park Place)

1st Election District-2nd Cosnolimanic Petitionar(s): Alan Keith Hotolinger, et al Hearing Schedulad: FRIDAY, DE-CEMBER 9, 1988 at 9:30 a.m.; Varianceso silov an open projection (porch) with a front setback of 17 lost, 5 inches in Iteu of the required 22 A., 3 in, joernited 25% projection into front yard average).

in. (permitted 25% projection into front yard everage).

"IF PHASE & OF SNOW EMER-GENCY PLAN IS IN EFFECT ON THIS D.A.T.E. C.A.S.E. WILL BE RESCHEDULED. CALL 494-3391 or 887-3391 TO CONFIRM DATE. In the event that this Potition is granted, a building parmit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however entertain any request for a stay of the lanuance of said permit during this period for good cause shown. Such reprind for good cause shown. Such request must be in writing and received in this office by the date of the hearing said above or presented at the hearing South Commission of Commissionner of Zoning Commissionner of

Zoning Commissioner of Baltimore County 11/518 Nov. 17

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., __ Marenter 18 ___, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on november 17, 1988.

THE JEFFERSONIAN.

PO 05865 rea 1120432 Case 89-214-1 pic \$31,88

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 *X**XXXX 887-3353 J. Robert Haines

December 27, 1988

Messrs. Alan K. Hottinger and Harold N. Hottinger 2108 Park Place Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE NW/S Park Place, 344' E of Windsor Mill Road (2108 Park Place) 1st Election District - 2nd Councilmanic District Alan K. Hottinger, et al - Petitioners Case No. 89-214-A

Dear Messrs. Hottinger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

(M Nastarnin ANN M. NASTAROWICZ

Deputy Zoning Commissioner

for Baltimore County

Dennis F. Rasmussen

cc: People's Counsel

WEST STAR CLASSIFIED-PLACE FOR NORTHWEST GOODS AND SERVICES 15650 LEGAL NOTICE LEGAL NOTICE 1988 FOR RENT NOTI 'E OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will find a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: NOTICE OF HEARING AVAILABLE DEC. 15 - 3 BR, 21/2 bath townhouse, Owings Mills. Close to metro and 795, CAC, W/D, \$615, Call 821-8884 or 583-2370. Case number: 89-211-A
ES Greenspring Avenue, 761.13*
W Mariposa Road
(Ciminating East, Section 1 Development)
3rd Election District - 2nd Councilmanno
agal Owner(s): Diversified Greenspring Avenu
Limited Partnership
Contract Purchaser(s): The Ryland Group, Inc.
HEARING SCHEDULED: WEDNESDAY,
DECEMBER 7, 1988 at 11:00 a.m.* RENT TO BUY HOUSE · Pikesville, \$600; or rent 2nd floor 2BR apt., \$425. 922-7390. REAL ESTATE AMOUNT LOCHERN (227) Need space? Here is Variance to permit building separation of 25 feet in less of the required 30 lest for building heights between 25 and 30 feet for "Greenapring East Section 1, (46 jots). a 4 BR. 3 full bath brack house for less Variance to allow an open projection (porch) with front setback of 17 feet, 6 inches in lieu of the required 22 ft, 3in. (permitted 25% projection in-to front yard average). than \$100,000 in Balto. County. Call Dan Copper, 744-8394 or 298-35(ii) "IF PHASE II OF SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3301 or 887-3391 TO CONFIRM DATE. "IF PHASE II OF SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3391 or 887-3391 TO CONFIRM DATE. 22. 40 In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoring Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the duty of the hearing set above or presented at the hearing. In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issu noe of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. CLASSIFIED INFORMATION CALL 653-3800 LEGAL NOTICE BALTIMORE COUNTY, MARYLAND INVITATION FOR BIDS REAL ESTATE REAL ESTATE WHAT'S

Cost of Advertisement

ZONING OFFICE

NOV 16 1988

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.1, 301.1 To allow an open projection

(porch) with a front setback of 17 ft. 6 in. in lieu of the required 22 ft. 3 in. (permitted 25% projection into front

yard average) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) KIDS PLAY ON THE PORCH ISTACK FIRE WOOD DURING THE WINTER ON THE PORCH, I HAVE SIDING ON THE HOUSE WHICH WOULD HAVE TO BE REDONE. THE PORCH IS ALMOST GYEARS OLD AND NONE OF THE NEIGHBERS HAVE EVER COMPLAINED TO ANYONE OR COUNTY ABOUT THE

Property is to be posted and advertised as prescribed by Zoning Regulations. e Variance advertising, posting, etc., upon filing of this bound by the zoning regulations and restrictions of loning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. ALANKEITH HOTTINGER DO San Kouth Hottings HAROLD NEILSON HOTTINEEL Harold Dulson Hollinger 2108 Park Place 597-8280 Balta Md. 21207 Name, address and phone number of legal owner, contract purchaser or representative to be contacted ORDERED By The Zoning Commissioner of Baltimore County, this

County, on the 9th day of December, 1988, at 9:30 o'clock ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING

MON. / TUES. / WED. - NEXT TWO HORTES REVIEWED BY: DATE 9:29-88

> *IF PHASE II OF SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDUL-ED. CALL 494-3391 or 887-3391 TO CONFIRM

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Date: /2/5/88

Mr. Alan Keith Hottinger Mr. Harold Neilson Hottinger 2108 Park Place Baltimore, Maryland 21207

Dennis F. Rasmussen

A TOTAL

Re: Petition for Zoning Variance CASE NUMBER: 89-214-A NWS Park Place, 344° E Windsor Mill Road (2108 Park Place) 1st Election District - 2nd Councilmanic Petitioner(s): Alan Keith Hottinger, et al HEARING SCHEDULED: FRIDAY, DECEMBER 9, 1988 at 9:30 a.m.*

Dear Petitioners:

Please be advised that <u>\$9.28</u> is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Dayldisa Door 11, Touson Maryland 212.14 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND 1 post set(s), there OFFICE OF FINANCE - REVENUE DIVISION r each set not

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

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Variance to allow an open projection (porch) with a front setback of 17 feet, 6 inches in lieu of the required 22 ft., 3 in. (permitted 25% projection into front yard average).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. . Polit House

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mrrs. Hottinger

Woodlawn, Maryland wwo7 September 07, 1988

To Whom It May Concern

Reference: Case Nb. 89-305 Alan Hottinger 2108 Park Place

This is to advise that I have no objection to the front porch at the above address.

Mr. Hollinger is in the process of making improvements to his home and I understand he has plans to finish off the porch's appearance.

Furthermore, Mr. Hollinger has shown himself to be receptive to neighborly requests concerning our adjoining properties in the past.

If there are any questions, pertaining to this matter, please do not helpitate to contact me.

Very Itruly yours, Owen H. Menkemeir, Jr. 9-25-88

To Whom It My Concern,

In reference to Case 89325 Olan Hottinger of 2108 Park Place Balta. Mel. 2/207. It has been brought to our attention that there is a problem with Mr. Hottingein front bouch. Mr. Hottinger ask in if we had

Mes. Wallace & myself have no objection to me Hottingerie

any objection to his front pouch.

Ref: Case 89325

To Whom it May Concern,

It has been brought to my attention that there was an objection to the front porch of Alan Hottinger of 2108 PARK Pl. Balto Md 21207a

I have no objection to his PRONT porch, NOR ANY other matter REGARDING his property. Furthermore I know of no other Resident of PARE PLACE who has stated AN objection!

SINCERELY. Rith Killmarger 2111 PARK PI BAlto Md ZIZO7 September 22, 1988

To whom it may concern, my name is arthur H. Fletcher and I reside at 2109 Park Place, Balto. Md. - 21207 -. and concerning Cant 89-325 which deals with my neighbor, Mr. alan Hottengu's porche I have no problem with the size of the parch and therefore have no disatisfaction with it.

Respectfully. a. Hr. I letcher

In reference to case #89-2/4-A

Soe 2108 Pack Place, Concerning the front

Sporch. I am a resident of 2114, which

is next to him. The size of the sporch

loes not bother us, and I hate to see

Jan writing This Regards to the house 2108 Park Place who has added a forch onto the front of his house. Which does not and never has bothered me. I live at 2103 Park Place nora m Elmo.

2107 Park Place Baltimore, Md. 21207 September 22nd., 1988

Re 89325

To Whom it May Concern:

At the request of our neighbor, Mr. Alan Hottinger, who lives at 2108 Park Place, this is to state that we, My wife and I, have no objection to the dimensions of his front porch.

To whom IT MAY CONCERN:

IN REFERENCE TO CASE #89-325 LOCATED AT 2108 PARE PLACE. IN REFERENCE TO THE FRONT PORCH LOCATED 2108 PARK PLACE SAID PORCH DOES NOT BOTHER US IN ANY WAY AND has NEVER BOTHERED US IN AM

> Mr. 9 Mrs Bejjim Carturger 21.5 Park Place Bult. M. ano7









